

EXHIBIT 4:

Declaration of Jeff Stant

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

MONROE COUNTY BOARD
OF COMMISSIONERS, et al.,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, et al.,

Defendants.

Case No. 4:23-cv-00012-TWP-KMB

Declaration of Jeff Stant

1. I am the Executive Director of the Indiana Forest Alliance (“IFA”), a plaintiff in the above-captioned case. I am submitting this declaration in support of Plaintiffs’ *Motion for Preliminary Injunction* in this matter, which challenges the U.S. Forest Service’s Houston South Vegetation Management and Restoration Project (“the Project”).

2. IFA is a 501(c)(3) non-profit organization headquartered in Indiana. IFA is dedicated to the long-term health and well-being of Indiana’s native forests, as well as the wildlife and other natural resources that depend on these ecosystems. IFA works to provide accurate information to the people of Indiana, to involve them in efforts to protect Indiana’s forests, and to ensure that the public has meaningful opportunities for input into federal or state decision-making that affects forests. IFA’s work includes speaking out for the native animals, plants, and other creatures who reside in Indiana’s forests and cannot speak for themselves. IFA’s mission is to preserve and restore Indiana’s hardwood forest ecosystem for the enjoyment of all. It achieves this mission through scientific research, advocacy, public education, and outreach to governmental officials and the public.

3. I have served as IFA's Executive Director since 2013. I have extensive familiarity with IFA's mission, priorities, and daily operations. I am also a member of IFA. I have been both a member of IFA and IFA's Executive Director during the entirety of the Forest Service's planning process for the Houston South Project. Since obtaining a Bachelor's degree in Biology and Environmental Studies from Indiana University in 1982, I have been employed as an environmental advocate for local, state, and national nonprofit organizations. While enrolled in college, I organized grassroots support for the establishment of a wilderness area in the Hoosier National Forest and led efforts that resulted in passage of congressional legislation establishing the 12,935-acre Charles Deam Wilderness Area in 1982—i.e., an area that today remains the only federally protected Wilderness Area in the state of Indiana. I was hired as the first full-time Executive Director of Hoosier Environmental Council ("HEC") in 1985 and built it into a statewide professional environmental advocacy organization from 1985 to 2000. During that period, I led HEC's efforts advocating for balanced management of the Hoosier National Forest, which resulted in adoption of a Forest Plan in 1991 that designates about half of this Forest's acreage for non-silvicultural recreation and ecological management purposes and the remainder for timber harvests activities, all of which must be designed to protect and restore watersheds, in keeping with the original purpose for establishing the Hoosier National Forest.

4. After my work for HEC concluded in 2000, I worked for the Clean Air Task Force, Citizens Coal Council, and Environmental Integrity Project advocating for national regulation of the wastes from coal-fired power plants. Such regulations became an important issue in Indiana, a state with the largest number of unlined coal ash ponds in the nation, as well as many coal mines that were being filled with coal ash and scrubber sludge backhauled from power plants. I worked extensively with hydrogeologists, geochemists, biologists, and

ecotoxicologists studying the fate and transport of heavy metals and other pollutants from coal combustion wastes in the environment. During this period, I advocated successfully for the congressional authorization of a two-year study by the National Academy of Sciences, which found that regulations were needed to govern the placement of coal combustion wastes in surface coal mines. I also advocated extensively for stronger regulations for coal-combustion waste disposal outside of mines under the federal Resource Conservation and Recovery Act. In more than four decades of work in the environmental field, I have always advocated for policy strongly supported by scientific research and understanding. This combined with a love of Indiana's hardwood forests engendered in my childhood eventually led to my return to forest protection work as IFA's Executive Director. Following in the footsteps of my father and grandfather, I have also been a lifelong, avid birder. Because I believe in science-driven conservation and retain a deep love for Indiana's forests and birds, I have enjoyed furthering IFA's mission that has always advocated for forest protection through scientific understanding of Indiana's forest ecosystems and the species that exist within them.

5. An important aspect of IFA's work is conducting scientifically rigorous surveys to document the biological diversity and ecological value of Indiana's forests. These surveys, which IFA calls "Ecoblitz Surveys," entail compiling comprehensive inventories of flora and fauna in various Indiana forests, including the Hoosier National Forest. Each survey is a years-long endeavor, taking between 4 and 5 years to complete. The resulting inventory documents relative abundances of mammals, birds, reptiles, amphibians, fishes, crustaceans, spiders, insects, pollinators, vascular plants, bryophytes, mosses, fungi, and lichens within a large intact forest tract. IFA's Ecoblitz Surveys also provide important information about vulnerable species that reside in or rely on Indiana's forests, including species recognized as at risk by the state of

Indiana or by the Forest Service, and species listed as threatened or endangered under the Endangered Species Act (“ESA”).

6. IFA’s Ecoblitz Surveys are conducted in partnership with thirteen Indiana colleges and universities, as well as experts from other non-governmental organizations such as the Indiana Academy of Sciences, New York Botanical Garden, the Hoosier Herpetological Society, Indiana Native Plant Society, Hoosier Mushroom Society, Sassafras and Amos Butler Audubon Societies, and HEC. The surveys provide unique, distinctive value for understanding the biodiversity in Indiana’s forests and thus for making fully informed decisions about the management of these ecosystems, particularly by state and federal agencies.

7. IFA’s Ecoblitz Surveys, which provide baseline information on the biodiversity within tracts of Indiana’s public forests, are the first of their kind to have been conducted in Indiana’s state or national forests. These rigorous, independent surveys of the entire range of taxonomic groups of species inhabiting Indiana’s forests throughout their reproductive life cycles stand in contrast to more limited efforts by state or federal agencies, which are typically spot surveys of individual species or a single taxonomic group of species over a short (day or weekend) period and far more limited in focus. Additionally, in my professional experience, I have found that the submission of independent, rigorous scientific information to state and federal agency decision-makers is extremely valuable to understanding the ecosystem and informing management decisions to eliminate or reduce impacts to affected species. In my informed professional opinion, state and federal agencies sometimes fail to consider all of the relevant information about the biodiversity of the ecosystems they are responsible for managing or cherry-pick from among available information and cite only that information which supports the decisions the agencies prefer to make. IFA’s Ecoblitz Surveys aim, in part, to fill this gap by

ensuring that agencies have available, and must consider, comprehensive, rigorous, and robust information about the biodiversity of Indiana's forests. Accordingly, IFA must regularly apply for and obtain permits from the Indiana Department of Natural Resources, U.S. Fish and Wildlife Service, and Forest Service to conduct the Ecoblitz Surveys; IFA thus submits annual reports of its findings from these Surveys to these land and wildlife management agencies.

8. IFA has completed one Ecoblitz Survey at the cost of approximately \$500,000 to the organization and is currently working on a second one in the Hoosier National Forest. IFA's first Ecoblitz Survey yielded information that has resulted in multiple, peer-reviewed scientific publications in the *Proceedings of the Indiana Academy of Sciences* and the Journal of the Torrey Botanical Society, as well as numerous other articles and reports.¹ As part of its public education and outreach efforts, IFA also makes summaries of and reports regarding the Ecoblitz Survey results available to the public on its website.²

9. IFA's second Ecoblitz Survey is currently in progress in the Hoosier National Forest. This ongoing survey is in its fifth year and focuses on an area of the Combs Creek Watershed that is in the general vicinity of the Houston South Project area. Like the Houston South Project area, the Combs Creek area drains into the South Fork Salt Creek watershed and ultimately into Lake Monroe. As it did with the first Ecoblitz, IFA intends to make the results of the second Ecoblitz available to the public through reports on its website and intends to support the use of the second Ecoblitz's results for the purposes of authorship of peer-reviewed scientific

¹ *Articles Appearing in the Proceedings of the Indiana Academy of Sciences*, IND. FOREST ALL., <https://indianaforestalliance.org/work/science/ecoblitz-research/> (last visited February 7, 2023).

² *Ecoblitz: Documenting the Biological Diversity and Ecological Value of Indiana's Forests*, IND. FOREST ALL., <https://indianaforestalliance.org/work/science/ecoblitz/> (last visited Feb. 7, 2023).

publications. Although formal findings remain forthcoming, I can attest that IFA's second Ecoblitz has detected the presence of federally threatened or endangered species in the Hoosier National Forest, including the presence of Indiana bats (an ESA-listed endangered species) in the vicinity of the Project area. In 2019, this Ecoblitz also located a maternity roost of the Northern long-eared bat—which is also endangered under the ESA—in the Combs Creek Watershed approximately three miles from the Project area.

10. In 2020, IFA contracted with Environmental Solutions and Innovations, Inc. ("ESI")—an independent, professional wildlife survey and mitigation firm headquartered in Cincinnati, Ohio—to document the abundance of several different species in the Project area (i.e., the Houston South Vegetation Management and Restoration Area). The subject of the survey focused on at-risk, rare, and/or vulnerable species, including multiple kinds of North American bats, the Cerulean warbler, and bee species.

11. The bat-focused portion of the ESI survey utilized acoustic monitoring from 24 different locations—a relatively large number of such locations compared to similar surveys—within and surrounding the Project area. Acoustic data were analyzed using a two-step approach. First, call sequence data was recorded, downloaded, and processed through Kaleidoscope Pro (Kpro) software (classifier v5.1.0 Wildlife Acoustics, Concord, Massachusetts). Second, a qualified ESI biologist visually examined all calls collected at each site and determined whether a species was present (e.g., confirmed), possibly present (potential), or absent. A total of 39,191 files were recorded. Kpro identified 6,940 files as potentially containing bat call sequences and provided species-level identifications for 5,012 files. Visual review identified call sequences consistent with each of the eleven bat species that are year-round residents of Indiana and further confirmed their presence or potential presence within the Project area. Given this abundance of

diversity, the report concluded that “the Houston South Area represents *an area of both regional and national importance* for bat diversity and provides habitat for five species that are listed or under review for listing under the [ESA].”³

12. Notably, ESI’s analysis of the relative abundance of bats within the Project area concluded that the presence and diversity of endangered and rare bats is *greatest* in the area identified as the “Combs-Lincoln Back,” which is, according to the Forest Service, one of the two areas slated to be burned at the outset of the Project’s implementation (i.e., in April 2023). As explained in further detail below, the timing of the Project’s commencement is extremely dangerous for these bats; among other reasons, April is the month when they will be returning from winter hibernation to summer maternity roosts and foraging habitats in this area.

13. A visual review of the acoustic call files by ESI biologists confirmed the presence of the federally endangered Indiana bat (*Myotis sodalis*), at two of the three acoustic monitoring points, the federally endangered Northern long-eared bat (*Myotis septentrionalis*) at one of the three acoustic monitoring points, the proposed federally endangered tricolored bat (*Perimyotis subflavus*) at all three of the acoustic monitoring points, and the imperiled little brown bat (*Myotis lucifugus*) at two of the three acoustic monitoring points in the Combs-Lincoln Back area. More detections of the tricolored bat were confirmed at acoustic monitoring points in the Combs-Lincoln Back area than at any other monitoring points in the Houston South Project Area. The little brown bat is undergoing a species status assessment by the U.S. Fish and Wildlife Service and will likely be listed as “endangered” under the ESA due to the extreme decline in its population across its core range from White Nose Syndrome (“WNS”). All four bat species confirmed to be present in the Project area are also separately designated by the Indiana

³ A copy of ESI’s report and findings are appended to this declaration for the Court’s review.

Department of Natural Resources as “State Endangered” on Indiana’s list of “Species of Greatest Conservation Need.”⁴ The state-endangered evening bat (*Nycticeius humeralis*) was also confirmed to be present at two acoustic monitoring points in the Combs-Lincoln Back area.

14. ESI biologists’ review of the acoustic data also found that the Northern long-eared bat and little brown bat were both “potentially present” at acoustic monitoring points along the immediate periphery of the planned Combs-Lincoln Back burn area and that the Indiana bat, tricolored bat, and evening bat were confirmed to be present at acoustic monitoring points on the immediate perimeter of the planned Squirrel Town burn area (no acoustic monitors were placed inside the Squirrel Town burn area). The confirmed presence and potentially confirmed presence of these species was documented in June and July, which is the heart of their maternity roosting season, indicating that the deep, mature interior forest in the Combs-Lincoln Back area provides maternity roost habitat that is crucially important to their survival and recovery.

15. Before WNS spread through North American bats—causing unprecedented collapses in their populations—these four eastern hardwood forest bats were all commonly caught in bat surveys in Indiana forests. The emergence of WNS in caves in Indiana since 2010 has decimated their numbers in a short period of time. While the decline of Indiana bats, the longest listed federally endangered species, is well known due to destruction of summer roosting and foraging forest habitat, disturbance of winter hibernacula, and further losses from WNS and wind energy development, the declines of Northern long-eared, tricolored, and little brown bats are less well known yet even more severe. Winter hibernacula counts reveal declines of 78 to 96 percent for Northern long-eared, tricolored, and little brown bats found at eleven hibernacula

⁴ *Indiana Species of Greatest Conservation Need*, IND. DEP’T OF NAT. RES., <https://www.in.gov/dnr/fish-and-wildlife/nongame-and-endangered-wildlife/species-of-greatest-conservation-need/#mammals-en> (last visited Feb. 8, 2023).

regularly surveyed by the Indiana Department of Natural Resources for Indiana bat numbers since 2011 (Dr. D. Brack, personal communication to Dr. Dale Sparks). These precipitous declines in Indiana, which mirror drastic declines across the entire ranges of these species, make the need to avoid disturbing their critically important maternity roosting habitat, particularly when they are returning to that habitat or present in it, especially vital to preventing the extinction of these species.

16. April is a wet month in Indiana with frequent torrential rainstorms. Burning damp forest vegetation and moist (if not saturated) down woody debris and leaf litter will generate heavy concentrations of smoke. Given the intensity of the prescribed burns, heavy smoke will likely be present continually in the Combs-Lincoln Back area during the month of April. If the Project proceeds, the constant presence of thick smoke could be highly disruptive, especially to the females of these bat species. In April and May, female bats will be pregnant and returning to maternity roosts within the Project area; however, the presence of thick smoke will very likely disorient these bats, thereby frustrating their attempts to establish roosting colonies within the Project area. Each of these bat species has a high site-fidelity (or, philopatry) to their maternity roosts and will exert significant energy to find those roosts. There is a very high likelihood that if they survive WNS from this winter, many of the returning females will be under intense metabolic stress from severely reduced fat reserves as a result of this disease, making the disruption by heavy smoke and resulting increased difficulty in locating their maternity roosts and/or searching for new maternity roosts in areas not filled by smoke, potentially fatal to their pregnancies. This has been well-documented by the U.S. Fish & Wildlife Service's research. *See, e.g.,* U.S. Fish & Wildlife Serv., *Species Status Assessment Report for the Northern Long-eared Bat* (Aug. 2022) at 154-55, <https://www.fws.gov/media/species-status-assessment-report->

[northern-long-eared-bat](#) (explaining that “removal of roosting or foraging habitat may result in longer travel distances between sites used for roosting and foraging,” and “[t]he increased energetic cost of longer commuting distances may result in maternity colony disruption and may be particularly important for pregnant and lactating females and therefore, reproductive success”); U.S. Fish & Wildlife Serv., *2006 Hoosier Forest Plan Biological Opinion* (2006) at 32-33, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_017390.pdf (identifying similar concerns for Indiana bats due to activities like those authorized as part of this Project); U.S. Fish & Wildlife Serv., *Indiana Bat: 5-Year Review* (2019) at 24, https://ecos.fws.gov/docs/tess/species_nonpublish/2918.pdf (explaining how these problems are substantially worsened for Indiana bats now that WNS has decimated its population).⁵

17. Entomologists from ESI also found the American bumble bee (*Bombus pensylvanicus*) and the Golden northern bumble bee (*Bombus fervidus*) in the Project area. Both are considered species of conservation concern by the Xerces Society and are thought by the scientific community to be declining throughout much or all of their range. The U.S. Fish and Wildlife Service has concluded that “listing the American bumble bee as an endangered or threatened species [under the ESA] may be warranted” based on “substantial scientific or commercial information” about the species’ present status throughout its range, including in

⁵ In its 2019 Biological Evaluation for Regional Forester Sensitive Species, the Forest Service itself determined that the tricolored bat was “present and [has] been located in the Hoosier National Forest.” Forest Serv., *Biological Evaluation* (2019), at 6. Further, the agency documented that “[a]ctivities associated with the Houston South Project may affect the summer habitat of bat species since the overstory, density and structure would change as a result of harvest” and “[r]emoval of hazard trees for fireline preparation may indirectly affect bat species by removing potential roost trees.” *Id.* It concluded that the Houston South Project “may impact” the tricolored bat because “[u]nrestrictive timber activities and growing season burns could negatively impact the tricolored species concerning roosting, staging/swarming and summer habitat if the species is present.” *Id.* at 7.

Indiana. See 86 Fed Reg. 53,937, 53,939 (Sept. 29, 2021); see also Elizabeth Gamillo, *The American Bumblebee Has Nearly Vanished From Eight States*, *Smithsonian Magazine* (Oct. 6, 2021), <https://www.smithsonianmag.com/smart-news/american-bumblebee-has-vanished-from-eight-us-states-180978817/> (reporting on the precipitous decline of American bumble bee populations and noting that “the largest remaining American bumblebee populations are located in the southern Great Plains and southeastern states”).

18. In 2020, IFA contracted with a local ornithologist, David Rupp, to determine the relative abundance of the state-endangered” Cerulean warbler (*Setophaga cerulea*) in the Project area. This species is considered by the U.S. Fish and Wildlife Service to be a species of national conservation concern due to a decline in its total population of 70% since the mid-1960s. See *Cerulean Warbler*, U.S. Fish & Wildlife Serv., <https://www.fws.gov/species/cerulean-warbler-dendroica-cerulea> (last visited Feb. 8, 2023). In Indiana, the warbler is listed as a “State Endangered Species.”

19. The results of Mr. Rupp’s survey demonstrate a remarkably significant abundance of Cerulean warblers within the proposed Project area. For instance, he found male Cerulean warblers singing in 82 separate locations in the Houston South area, female cerulean warblers in 13 of those locations, and females building nests and/or with nestlings in three of those locations.⁶ Based on the movements of singing males from one survey day to the next, Cerulean warblers appeared to be well-established throughout the Project area with more than 23 territories found clustered in a single square mile along the Fleetwood Branch in the northwestern portion of the Houston South Project area (i.e., squarely within the Combs-Lincoln Back area). The Cerulean warbler nests most successfully in older, undisturbed eastern hardwood

⁶ Mr. Rupp’s findings have been appended to my declaration for the Court’s convenience.

forests, which is the same forest assemblage that will be permanently lost (for several decades in some forest stands) as a result of the Project's implementation. These birds prefer to nest in the tops of large trees in sloped areas near a floodplain. The species prefers heterogeneous forest structures with multiple layers of vegetation and natural openings in older forests like that found in the Combs- Lincoln Back area; this is the very same forest assemblage and understory that the Forest Service will burn during Project implementation in April 2023 absent a preliminary injunction.

20. The Forest Service's proposed burns will permanently destroy pristine Cerulean warbler habitat and, therefore, irreversibly impair my ability, and other IFA members' ability, to observe, study, and otherwise enjoy these animals in their natural, mature, undisturbed forested setting. As indicated, the Project footprint overlaps with an area that is regionally important to this state-endangered species; indeed, the prescribed burns will occur in an area containing the largest cluster of Cerulean warblers discovered during Mr. Rupp's survey. The burns are also slated to occur during a critically important time of year for this species, which establishes nesting territories in mid-April after migrating from its over-wintering habitat in South and Central America. Based on my decades-long experience observing these birds in various locations including the Project area, it is my opinion that the heavy smoke will be highly disruptive to the males' ability to establish and/or attract females to their nesting territories, thereby impacting reproductive and nesting success.

21. Not only will many of these territories likely be lost to prescribed burns, but the constant presence of smoke will also likely dissuade the birds from establishing territories in or near burn zones. Cerulean warblers demonstrate extremely high site fidelity, returning each year to the same clustered territories as were established during the prior breeding season. Ceruleans

are very selective utilizing just these clustered territories rather than other areas of forest during the nesting season. Given the impressive distance these birds must travel during migration—i.e., from Central and South America to Indiana—these birds do not have a lengthy summer nesting season and must begin their migration toward their wintering grounds thousands of miles to the south by late June or early July. If their historical nesting territories are smoke-filled, they will be forced to navigate disorienting smoke and will likely move to entirely new cluster areas rather than establishing their territories in preferred existing nesting clusters and/or attracting mates. Such disorientation and movement to an entirely new area of the forest could delay their nest building, egg laying, and rearing of chicks into May and June, leaving insufficient time for successfully raising and fledging young before they must start their migration southward. Because of this species' annually recurring site fidelity, the loss of breeding territory during a single season could likely translate to long-term site abandonment and likely population declines in the Hoosier National Forest.

22. As the foregoing demonstrates, the Project area represents an unparalleled reservoir of biodiversity in Indiana that is deeply cherished by myself and other IFA members. In addition to harming high-value, reproductive habitat that reduces the odds for nesting and reproductive success of imperiled, rare, declining, and endangered species, the Forest Service's proposed burns (and subsequent logging and herbicide application) in the Project area will irreparably harm my interests and those of other IFA members in observing, studying, and enjoying imperiled, rare, declining, and endangered species in this area by destroying the habitat upon which these animals rely. Habitat of the quality and character found in the Project area will not regenerate during my lifetime or for decades thereafter, especially in portions of the Project area that contain a heterogenous stand structure characterized by mature trees of approximately

100 or more years old that have not been burned, logged, or otherwise disturbed in roughly a century. The burns will also permanently impair IFA's professional interests in continuing to conduct rigorous scientific surveys that document the presence and behavior of these species. Given the precipitous declines caused both by forest management activities such as the Project and from the disease White-Nose Syndrome, it is reasonable to infer that certain species of bats, like the Indiana bat, will become extinct or at least farther from recovery in the near future. Hence, I am deeply troubled and irreparably harmed by the fact that I may never again be able to observe and study endangered species in the Project area if the Project is allowed to proceed.

23. The Project will also irreversibly harm my and other IFA members' recreational interests in the Project area. Like many other members of IFA, I regularly hike in Indiana's forests, including in the Hoosier National Forest generally and in the proposed burn zones specifically. My wife and I own a cabin roughly 1.5 miles from the Houston South Project area, and we regularly traverse through the Project area when traveling to and from our cabin. Additionally, we routinely hike in the Project area, including on trails that bisect both the Combs-Lincoln Back and Squirrel Town areas, where burns are planned in April 2023 absent an injunction. In addition, we have hiked off-trail along the Combs Branch and Fleetwood Branch north of the Maumee Boy Scout Camp and along Starnes Branch and on Hickory Ridge south of the Maumee Boy Scout Camp. The Project will irreparably impair my recreational interests in hiking, birdwatching, and enjoyment in specific areas of the Hoosier National Forest from which I derive immense personal pleasure and solitude due to the pristine, natural condition of those parcels that will be permanently lost due to Project activities.

24. As IFA's Executive Director, I am aware of IFA's membership more generally, and I can attest that many other IFA members also live near the Houston South Project area

and/or hike regularly through the Project area on the Hickory Ridge Trail System and/or the Knobstone and Fork Ridge trails. IFA members use the Project area regularly for hiking, picnicking, horseback riding, birdwatching, mushrooming, backpacking, camping, meditating, mountain biking, and other outdoor activities. Given the popularity of the Knobstone Trail, which traverses the Project area and is Indiana's longest backpacking trail, I can also attest to the high use of this trail by the public in general as well as the extensive effort that the members of the Knobstone Hiking Trail Association spent completing and maintaining the Knobstone Trail through the Houston South Project area. If this Project proceeds, it will require the immediate closure of as much as four to five miles of the Knobstone Trail that traverses the Combs-Lincoln Back area in April, one of the most popular times for use of this Trail before the onset of summer heat, humidity, and insect activity. The burning will permanently impair (for many years) the character, setting, and feel of the this Trail by burning off layers of native understory including spice bush, paw, and other native understory species, reducing the richness of the tree community by killing mesic tree species such as poplar, beech, maple, basswood, elm, ironwood, and cherry, leaving abundant burn scars on surviving trees and drying out the moist conditions that have evolved naturally over the last century in this 100-plus-year-old mixed mesophytic forest as it has been returning to the old growth condition, thereby undermining the explicit purposes for the Trail's creation and its protection for dispersed recreational use and enjoyment as stated in the 2006 Forest Plan.

25. In my experienced opinion as a regular hiker in the forests of southern Indiana and as the Executive Director of IFA, the Project area is extremely valuable both recreationally and ecologically. This value is why the Combs-Lincoln Back area was part of at least three proposed federal wilderness bills in the 1970s and 1980s and has now been included on maps

drafted by staff of Indiana's U.S. Senator Mike Braun in 2022 for a proposed expansion of the Deam Wilderness and creation of a National Recreation Area. This area is part of the largest concentration of preserved forest in the state (and the region), and it provides extremely valuable habitat for vulnerable wildlife and regionally important recreational resources. I am 64 years old, and as an avid recreational user of public lands in Indiana and the Midwest for my entire life, I can attest to the fact that there are no areas of wild forest available for primitive recreation of nearly this size elsewhere in Indiana beyond the Charles Deam Wilderness. As the Houston South Project area is adjacent to the Charles Deam Wilderness and the Nebo Ridge area of the Hoosier National Forest (which was also proposed as a Wilderness Area several times during the 1970s), I can further attest that Houston South comprises a significant portion—approximately one third—of the largest expanse of wild forest in the lower midwestern United States (Illinois, Indiana, and Ohio) on public land that is available for primitive recreation in a natural condition. I can attest to the fact that logging has either been entirely absent or very limited over this approximately 40,000-acre expanse for the last 60 years. I can also attest to the incalculable value that Hoosiers and other Midwesterners place on the recreational enjoyment of this land, having witnessed extensive camping, trail riding, day hiking, picnicking, backpacking, hunting, and overflow parking that results along trailheads in the Houston South Project area during weekends since my wife and I purchased land just north of this area in April 2015.

26. As a regular hiker in Indiana's forests and the Executive Director of an organization devoted to their preservation, I am also aware of the adverse, irreparable impacts to recreational opportunities threatened by the Project. I have seen many forested areas in Indiana that have been permanently damaged by the kinds of prescribed burning that will be implemented this spring. I have also seen Indiana forests that have been subjected to heavy

commercial logging, including clearcuts, shelterwood cuts, aggressive group and single tree selection, and other types of logging that will be conducted as part of the Project. If allowed to proceed, the Project will convert some trails—including significant portions of those within the April 2023 Squirrel Town burn zone—from dirt paths in shaded, high canopy forest into long stretches of sun-baked, 15-foot-wide, gravel logging roads, thereby permanently destroying their character, setting, feel, and solitude for recreational users. The Project also calls for revolving closures of many of these trails to accommodate prescribed burns, logging, and road construction, thus further impairing the ability of recreational users to utilize specific areas of the Hoosier National Forest during the next two decades of Project implementation that are some of the most used areas in this national forest for backpacking, primitive camping, hiking, horseback riding, and other dispersed recreation.

27. By the Forest Service's own estimate, the Project will last for up to two decades, including repeated burns in the Project area for up to 20 years and major logging for up to 15 years. In my opinion as a hiker and an environmental professional, the prescribed burns will perpetually alter the aesthetic beauty, natural splendor, and recreational enjoyment of specific trails I and other IFA members so deeply cherish. The combination of pervasive prescribed burns and logging, particularly clearcutting and shelterwood cutting, will transform the natural condition of this mature forest from one that contains different successional habitat to an unnatural, even-aged, less biologically diverse, aesthetically artificial forest. The loss of this kind of mature forest would be especially heart-breaking for lifelong Hoosiers like myself since it is so rare in this state; indeed, according to the Forest Service and Indiana Department of Natural Resources' *Forest Inventory and Analysis*, the uneven-aged, mature forest found with the Project area comprises *less than five percent* of total forests in the state.

28. Although I wish to continue to use the Project area for recreational purposes, the adverse impacts from the management actions planned in April 2023 and beyond will very likely prevent me from enjoying such recreational activities. The same is true of many other IFA members. As has occurred from a 300 percent increase in logging over the last two decades in Indiana's state forests and logging in other areas of the Hoosier National Forest, the extensive timber stand improvement, logging, prescribed burning, and construction of log landing areas, haul roads, skidder trails, and fire lanes proposed throughout the Houston South Project area will greatly degrade the natural beauty and primitive wilderness-like condition that exists in much of this area and create conditions ideal for nonnative invasive plant incursions into this area. These activities will fracture interior forest habitat, reduce tree species diversity, age, and stand structure, create impenetrable thickets of brush and thorns, erode ridges and steep slopes to bare dirt and carve out a multitude of artificial openings and travel corridors for heavy machinery inviting in much more sunlight—the exact conditions that have led to explosions of nonnative invasive plants such as Asian bush honeysuckle, multiflora rose, tree of heaven, fescue, and Japanese stilt grass in nearby tracts of state forests, the Hoosier National Forest, and other forests in which explosions have been studied and documented by researchers at Indiana University and other institutions. In these ways, the Project will fundamentally and permanently alter the natural character and setting of the forests throughout the Houston South Project area. Thus, if the Project is allowed to proceed as currently planned, I will be unable to enjoy recreational activities in the Project area in the manner that I presently do and have in the past.

29. As explained herein, Project activities will fundamentally alter the natural condition of intact, older forest in some of my favorite portions of the Hoosier National Forest. As a result, the Forest Service's Project-related activities will irreversibly and gravely impair my

interests—and the similar interests of other IFA members—in using, enjoying, and observing these specific parcels of mature hardwood forest, as well as the many unique and diverse bat, bird, insect, and other wildlife species that reside in this habitat. A court order pausing implementation of the Project will prevent immediate and irreparable damage to these species and to my and IFA’s aesthetic, recreational, research, and professional interests in the Hoosier National Forest by allowing myself and others to continue to study, document, and enjoy the iconic wildlife and ecosystems that exist there and safeguarding habitat that is documented to be of uniquely high value to these rare and endangered species, until the Court has an opportunity to resolve the merits of Plaintiffs’ challenge in the above-captioned case.

Pursuant to 28 U.S.C. § 1746, I hereby I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

February 16, 2023
Executed on: _____



Jeff Stant